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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,783	08/01/2003	Tomokazu Kake	SCEI 3.0-133 CIP	5067

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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER
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SABOURI, MAZDA

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,783	<b>Applicant(s)</b> KAKE ET AL.	
	<b>Examiner</b> Mazda Sabouri	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,10,12-16,18-22,24-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,10,12-16,18-22,24-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1,3-7,9,10,12-16,18-22,24-26 and 28 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1,3,6,7,9,10,12-16,18-20,22, and 24-26 rejected** under 35 U.S.C. 103(a) as being unpatentable over US 4491690 (Daley) in view of US 2003/0217123 (Anderson et al).

6. **As to claims 1,7 and 10**, Daley teaches a transmission/reception method comprising:

7. Selecting a piece of information (caller at a distant station chooses the controlled device that he/she wishes to activate).
8. Detecting the transmission count of a calling signal associated with the selected piece of information (caller at a distant station determines predetermined number of rings needed to activate the selected controlled device).
9. Transmitting the calling signal (rings) to a reception system (control system) only a number of times that is equal to the detected transmission count.
10. Counting the number of times the calling signal is received at the reception system to determine the transmission count of the received calling signals.
11. Retrieving from predetermined information stored in the reception system a piece of information associated with the transmission count of the received calling signals

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(processor is programmed to activate different controlled devices based on number of incoming rings);

12. Wherein the predetermined information is appliance operation data for operating (activating/deactivating) at least one household appliance (controlled device in the control system) in communication with the reception system (control system), and wherein for each such appliance, the appliance operation data is indicative of the appliance's type (Daley teaches activating specific types of controlled devices, such as lights. This reads on the method taking into account appliance type) and at least one operation (activation/deactivation) of the appliance (see Daley, column 3, lines 6-68 and column 4 and column 5, lines 1-32).

13. What is lacking from Daley is the predetermined information (the controlled devices and their corresponding rings counts) being stored in the transmission system. In a similar field of endeavor, Anderson teaches storing predetermined information (rings counts needed to activate/deactivate a controlled PC) in the memory of the transmission system (controlling PC) (see Anderson, paragraphs 49-52). Daley teaches a transmission system comprising a caller at a distant station. The method of Daley requires the caller to memorize each controlled device and its associated ring count. Anderson's teaching helps to reduce the chance of human error by putting the predetermined information in computer memory rather than human memory. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Anderson into those of Daley, for the reasons mentioned above.

14. **As to claim 3**, Daley further teaches that the reception system identifies one of the household appliances and an operation (activation, deactivation) of the household appliance based on the piece of information retrieved by the reception system, and then operates (activates, deactivates) the household appliance according to the identified appliance and operation (see Daley, column 5, lines 10-32).

15. **As to claims 6 and 12**, Daley further teaches that the step of counting comprises counting for  $n$  distinct instances (counting number of rings),  $n$  being a positive integer, such that  $n$  transmission counts are generated, and wherein the step of retrieving comprises retrieving a piece of information associated with  $n$  transmission counts (each number of rings corresponds a specific action to a specific controlled device) (see Daley, column 3, lines 6-68 and column 4 and column 5, lines 1-32).

16. **As to claim 9**, Daley further teaches that each piece of predetermined information is associated with  $n$  distinct transmission counts (each number of rings corresponds to a specific action of a specific controlled device),  $n$  being a positive integer, wherein the step of detecting comprises detecting the  $n$  transmission counts (detecting the number of rings) of a calling signal associated with the selected piece of information, and wherein the step of transmitting comprises transmitting the calling signal from the transmitting system for  $n$  distinct instances, for each instance the calling signal being transmitted only a number of times that is equal to the respective transmission (see Daley, column 3, lines 6-68 and column 4 and column 5, lines 1-32).

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17. **As to claim 13**, Anderson teaches a computer-readable storage medium (software in controlling PC) for performing the transmission system's steps cited in the rejection of claims 1,7 and 10 above (see Anderson, paragraphs 1-3 and 5-7).

18. **As to claim 14**, Daley teaches a computer-readable storage medium (program in the processor of the control system) for performing the reception system's steps cited in the rejection of claims 1,7 and 10 above (see Daley, column 3, lines 64-68 and column 4, lines 1-15).

19. **As to claims 15,16 and 20**, Daley teaches a transmitter/receiver comprising:

20. A memory, in the receiver (control system), for storing predetermined information (controlled devices and their corresponding rings counts). Each piece of predetermined information is associated with a transmission count of a calling signal (ring counts for each controlled device).

21. Selecting means for selecting a piece of information (caller at a distant station chooses the controlled device that he/she wishes to activate).

22. Detecting means for detecting the transmission count of a calling signal associated with the selected piece of information (caller at a distant station determines predetermined number of rings needed to activate the selected controlled device).

23. Counting means for counting the number of times the calling signal is received to determine the transmission count of the received calling signals.

24. Retrieving means for retrieving from said memory, a piece of information associated with the transmission count of the received calling signals (processor is

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programmed to activate different controlled devices based on number of incoming rings);

25. Wherein the predetermined information is appliance operation data for operating (activating/deactivating) at least one household appliance (controlled device in the control system) in communication with the reception system (control system), and wherein for each such appliance, the appliance operation data is indicative of the appliance's type (Daley teaches activating specific types of controlled devices, such as lights. This reads on the transmitter/receiver taking into account appliance type) and at least one operation (activation/deactivation) of the appliance (see Daley, column 3, lines 6-68 and column 4 and column 5, lines 1-32).

26. What is lacking from Daley is memory for storing predetermined information (the controlled devices and their corresponding rings counts) in the transmitter, and control means for controlling the transmission of the calling signal only a number of times that is equal to the detected transmission count. In a similar field of endeavor, Anderson teaches storing predetermined information (rings counts needed to activate/deactivate a controlled PC) in the memory of the transmitter (controlling PC), and control means for controlling the transmission of the calling signal (rings) only a number of times that is equal to the detected transmission count (controlling PC only sends the number or rings needed so that a controlled PC can perform a desired task). (see Anderson, paragraphs 49-52). Daley teaches a transmitter comprising a caller at a distant station. The method of Daley requires the caller to memorize each controlled device and its associated ring count. Anderson's teaching helps to reduce the chance of human error



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by putting the memory and control means in a computer, as opposed to a human. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Anderson into those of Daley, for the reasons mentioned above.

27. **As to claim 18**, note the transmitter cited in the rejection of claims 15,16 and 20. The transmitter reads on the communications means of claim 18.

28. **As to claims 19**, Daley further teaches that the counting comprises counting for  $n$  distinct instances (counting number of rings),  $n$  being a positive integer, such that  $n$  transmission counts are generated, and wherein the step of retrieving comprises retrieving a piece of information associated with  $n$  transmission counts (each number of rings corresponds a specific action to a specific controlled device) (see Daley, column 3, lines 6-68 and column 4 and column 5, lines 1-32).

29. **As to claim 22**, Daley teaches a transmission reception system comprising:

30. A memory, in the receiver (control system), for storing predetermined information (controlled devices and their corresponding rings counts). Each piece of predetermined information is associated with a transmission count of a calling signal (ring counts for each controlled device).

31. A transmitter having selecting means for selecting a piece of information (caller at a distant station chooses the controlled device that he/she wishes to activate), detecting means for detecting the transmission count of a calling signal associated with the selected piece of information (caller at a distant station determines predetermined number of rings needed to activate the selected controlled device).

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32. A receiver having counting means for counting the number of times the calling signal is received to determine the transmission count of the received calling signals and retrieving means for retrieving from said memory, a piece of information associated with the transmission count of the received calling signals (processor is programmed to activate different controlled devices based on number of incoming rings).

33. An exchange (exchanges are inherent to traditional PSTNs) for transmitting to said receiver (sending rings) only the number of times that is equal to the transmission count of the calling signal in response to an instruction from the transmitter (caller at a distant station only allows a predetermined number of rings to go through).

34. Wherein the predetermined information is appliance operation data for operating (activating/deactivating) at least one household appliance (controlled device in the control system) in communication with the reception system (control system), and wherein for each such appliance, the appliance operation data is indicative of the appliance's type (Daley teaches activating specific types of controlled devices, such as lights. This reads on the transmitter/receiver taking into account appliance type) and at least one operation (activation/deactivation) of the appliance (see Daley, column 3, lines 6-68 and column 4 and column 5, lines 1-32).

35. What is lacking from Daley is memory for storing predetermined information (the controlled devices and their corresponding rings counts) in the transmitter, and control means for controlling the transmission of the calling signal only a number of times that is equal to the detected transmission count. In a similar field of endeavor, Anderson teaches storing predetermined information (rings counts needed to activate/deactivate a

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controlled PC) in the memory of the transmitter (controlling PC), and control means for controlling the transmission of the calling signal (rings) only a number of times that is equal to the detected transmission count (controlling PC only sends the number or rings needed so that a controlled PC can perform a desired task). (see Anderson, paragraphs 49-52). Daley teaches a transmitter comprising a caller at a distant station. The method of Daley requires the caller to memorize each controlled device and its associated ring count. Anderson's teaching helps to reduce the chance of human error by putting the memory and control means in a computer, as opposed to a human. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Anderson into those of Daley, for the reasons mentioned above.

36. **As to claim 24**, Daley further teaches that the receiver (control system) has appliance operation instructing means for operating (activating/deactivating) the household appliance according to the retrieved appliance operation data (each number of rings corresponds a specific action to a specific controlled device) (see Daley, column 5, lines 10-32).

37. **As to claim 25**, Anderson teaches a processor with instructions (software in controlling PC) for the transmission system performing the steps cited in the rejection of claims 1,7 and 10 above (see Anderson, paragraphs 1-3 and 5-7).

38. **As to claim 26**, Daley teaches a processor with instructions (program in the processor of the control system) for the reception system performing the steps cited in

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the rejection of claims 1,7 and 10 above (see Daley, column 3, lines 64-68 and column 4, lines 1-15).

39. **Claims 4,5,21 and 28 rejected** under 35 U.S.C. 103(a) as being unpatentable over US 4491690 (Daley) in view of US 2003/0217123 (Anderson et al) as applied to claims 3,20 and 26 above, and further in view of US 2002/0121969 (Joao).

40. **As to claim 4**, Daley in view of Anderson teaches "The information transmission/reception method according to claim 3."

41. However, they do not teach "wherein the reception system feeds back to the transmission system either information that the household appliance has operated properly or the information that the household appliance has not operated properly."

42. In the same field of endeavor, Joao teaches "wherein the reception system feeds back to the transmission system either information that the household appliance has operated properly or the information that the household appliance has not operated properly" (see Joao, paragraphs 21-23, 234, i.e. CPU reports back the operator (user) the status of the apparatus whether the apparatus is running) so that users may be kept apprised of status of remote equipments as stated in paragraph 2 in order to provide security for equipment or premises as stated in paragraph 10.

43. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use, within Daley in view of Anderson's method, Joao's teachings above so that security may be provided for equipment or premises.

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44. **As to claim 5**, Daley in view of Anderson teaches "The information transmission/reception method according to claim 4, wherein the information is a predetermined number of calling signals."

45. However, they do not teach "the information being feedback and the feedback indicates that the household appliance has operated properly and household appliance has not operated properly."

46. In the same field of endeavor, Joao teaches "the information being feedback and the feedback indicates that the household appliance has operated properly and household appliance has not operated properly." (see Joao, paragraph 21-23, 234, i.e. CPU reports back the operator (user) the status of the apparatus whether the apparatus is running) so that users may be kept apprised of status of remote equipments as stated in paragraph 2 in order to provide security for equipment or premises as stated in paragraph 10.

47. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use, within Daley in view of Anderson's method, Joao's teachings above so that security may be provided for equipment or premises.

48. **As to claim 21**, Daley in view of Anderson teaches "The transmitter-receiver according to claim 20."

49. However, they do not teach "further comprising: display means for displaying the retrieved piece of information."

50. In the same field of endeavor, Joao teaches "further comprising: display means for displaying the retrieved piece of information." (see Joao, paragraph 161, lines 13-17

and 163, lines 1-4, i.e. the transmitter 2 may be a cellular or telephone which inherently has a display and the display provides video indication of system status as well as providing information indicative of data received by the receiver 2C).

51. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use, within Daley in view of Anderson's transmitter-receiver, Joao's teachings above so that user may be conveniently informed of the different ring settings via a visual display instead of having to memorize them.

52. **As to claim 28**, Daley in view of Anderson teaches "The information reception system according to claim 27."

53. However, they do not teach "wherein the instructions further comprise: feeding back to a transmission destination either information that the household appliance has operated properly or information that the household appliance has not operated properly."

54. In the same field of endeavor, Joao teaches "wherein the instructions further comprise: feeding back to a transmission destination either information that the household appliance has operated properly or information that the household appliance has not operated properly." (see Joao, paragraphs 21-23, 234, i.e. CPU reports back the operator (user) the status of the apparatus whether the apparatus running) so that users may be kept apprised of status of remote equipments as stated in paragraph 2 in order to provide security for equipment or premises as stated in paragraph 10.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use, within Daley in view of Anderson's system, Joao's teachings above so that security may be provided for equipment or premises.

### ***Conclusion***

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3836959 (Pao et al.) teaches an apparatus for activating remotely located devices in response to acoustic signals. US 4679226 (Muehleisen) teaches a computer security guard circuit.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mazda Sabouri whose telephone number is 571-272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 561-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mazda Sabouri  
Examiner  
Art Unit 2617

  
DUC M. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600